

### Remarks

In the subject Final Office Action, claims 1-30 were rejected under 35 USC 112, first paragraph. Rejections against claims 1-30 under 35 USC §103(a) were also maintained. Claims 1-30 were rejected as being unpatentable over Westerinen et al. (US Patent No. 2004/0088589), and in further view of Cooper et al. (US Patent No. 5,838,982).

#### §112 First Paragraph Rejection

In the subject Final Office Action, the Examiner accused the Applicant of “blatantly” introducing new matter by replacing the word “ignored” with the word “negated”. Applicant respectfully disagree.

Applicant respectfully reminds the Examiner that the “original” disclosure includes the specification, the claims, the abstract and the drawing. Applicant used the words “negate”, “negated” or “negating”, 11 times in 11 of the original 30 claims. None of original 30 claims used the word “ignore”. Applicant was clearly in possession of the invention as expressed with the word “negate” (or its variant) at the time of filing.

Applicant has used the word “negate” and its variants at least 3 times in the specification and abstract in support of the claims. For examples, page 15, line 4, page 15, line 12, and the abstract, line 5.

Applicant has also used the word “ignore” in the specification, not considering the word as having a substantial difference in meaning with “negate” at the time of filing. However, in light of the prior art references cited by the Examiner, it appears there ought to be a distinction between the meanings of the two words. Therefore, Applicant undertook to amend the Specification to clarify and conform the description to the claims, which as stated earlier unequivocally recited the invention using the word “negate”, and not once used the word “ignore”.

It is well settled under the prevailing case law, such clarification and conformance amendments are not introducing new matters.

Accordingly, Applicant respectfully submits the Examiner's rejection is improper and requests that the rejections be withdrawn.

### §103 Rejections

Applicant has set forth in his last response the reasons why the invention as claimed is patentable over the cited references under §103, when the invention is properly viewed as a whole as required by law. Applicant incorporates the previous argument herein by reference.

In response to Applicant's argument, the Examiner argued that Westerinen does disclose a signal indicating AC absence, and Cooper does teach AC power loss etc, and thirdly, Applicant may not "remove any reference to ignoring" from the specification.

Assuming arguendo the Examiner is correct on the first two points. For reason stated earlier, the Examiner is incorrect on the third point. Applicant is entitled under the law to conform the specification to the original claims, which is part of the original disclosure.

Even if Applicant did not fully conform the specification to the claims, leaving a portion of the original Specification, such as page 15 and the abstract, to use the word "negate", and other portions use the word "ignore", the fair reading of Applicant's specification would be Applicant has described two embodiments, one embodiment employs "negate", and another embodiment employs "ignore". The fact that the original claims all employ the word "negate", simply means Applicant elected to claim only the "negate" embodiment, and not the "ignore" embodiment.

Applicant respectfully submits that the Examiner has no basis to interpret the word "negate" in the claims as equivalent to the word "ignore" which is used in only some portions of the specification, and ignore the fact that the word "negate" is used in other portions and the abstract.

For at least this reason, Applicant respectfully submits the Examiner has failed to fully rebut the patentability reasons set forth in Applicant's last response. Therefore, for at least these reasons previously set forth, claims 1-30 are patentable over the cited references under §103.

### **Conclusion**

In conclusion, claims 1-30 are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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